

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

JONATHAN S. ABADY
MATTHEW D. BRINCKERHOFF
ANDREW G. CELLI, JR.
RICHARD D. EMERY
DEBRA L. GREENBERGER
DIANE L. HOUK
DANIEL J. KORNSTEIN
JULIA P. KUAN
HAL R. LIEBERMAN
ILANN M. MAAZEL
KATHERINE ROSENFELD
ZOE SALZMAN
SAM SHAPIRO
EARL S. WARD
O. ANDREW F. WILSON

ATTORNEYS AT LAW
600 FIFTH AVENUE AT ROCKEFELLER CENTER
10TH FLOOR
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000
FAX: (212) 763-5001
www.echawm.com

MONDAIRE JONES
VASUDHA TALLA

ERIC ABRAMS
DAVID BERMAN
NICK BOURLAND
DANIEL M. EISENBERG
ARIADNE M. ELLSWORTH
SARA LUZ ESTELA
SARAH MAC DOUGALL
SONYA LEVITOVA
SANA MAYAT
HARVEY PRAGER
VIVAKE PRASAD
MAX SELVER
EMILY K. WANGER

APPLICATION GRANTED
SO ORDERED



John G. Koeltl, U.S.D.J.

October 17, 2023

10/17/23

By ECF

Hon. John G. Koeltl
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Jones, et al. v. The City of New York*, No. 17 Civ. 7577

Dear Judge Koeltl:

This firm, together with co-counsel Kaufman Lieb Lebowitz & Frick ("KLLF"), represents the Plaintiff class.

On September 22, 2023, the settlement administrator mailed over 25,000 settlement award checks to class members for valid claims. Another set of claims where class members have fixed deficiencies in their claims will be processed for payment, along with untimely claims that the administrator has accepted. The settlement administrator issued an invoice to the City for payment of these claims last week.

Class Counsel seeks approval to send the notice letter attached as Exhibit A to 26 class members who inadvertently were not sent notice. Specifically, last fall, in preparing the initial list for notice, there were 75 class members who did not have an address data associated with them and were inadvertently omitted from the class members database created by the settlement administrator. These 75 class members did not receive direct mail notice along with the other class members.

Of these 75 class members, 5 individuals filed claims that have been validated and have or will be paid. Of the class members who did not file claims, the settlement administrator was able to find addresses for 26 of them through database and manual trace searches. We also intend to search for phone numbers, and if found, personally call each of these 26 class members for whom we have phone numbers.

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP
Page 2

Should the Court approve, we will send the attached notice to the 26 class members together with a claim form. The proposed notice requests that the class members submit claim forms by November 17, 2023, but states the administrator will accept claims until December 12, 2023, which is the deadline for submission for untimely claim forms.

We have not included dates for filing objections or requests for exclusion because these deadlines have passed and adequate notice of the settlement and the objection and opt-out deadlines was issued through the comprehensive program of publication and media notice delivered over several weeks and using a variety of methods, including print publications, television, radio, subway and bus ads, and earned media. *See In re Lumber Liquidators Chinese-Manufactured Flooring Prod. Mktg., Sales Pracs. & Prod. Liab. Litig.*, 2022 WL 2128630, at *5–6 (E.D. Va. May 13, 2022) (adequate notice, not actual notice, is sufficient to bind absent class members). That this publication notice was effective is shown by, *inter alia*, the 5 class members who filed a claim notwithstanding the lack of direct notice.

The lack of direct notice to the tiny percentage of class members (approximately 0.1%) who did not receive claim packets by mail does not undermine the adequacy of notice or final approval of the settlement. *See State of West Virginia v. Chas. Pfizer & Co.*, 440 F.2d 1079, 1090–91 (2d Cir. 1971) (holding that, although some potential class members did not receive notice regarding the settlement, the notice program still satisfied due process because it was the best notice practicable under the circumstances); *In re “Agent Orange” Product Liability Litigation*, 818 F.2d 145, 167–69 (2d Cir. 1987) (reasoning that the class members with actual notice of the action would protect the interests of those who did not receive notice).

We are available for any questions that the Court may have.

Respectfully Submitted,

/s/ Debra L. Greenberger
Debra L. Greenberger

EXHIBIT A

PO BOX 2654

FARIBAULT MN 55021-9654

IMPORTANT LEGAL MATERIALS

* B A R C O D E 3 9 * - UAA - <<SequenceNo>>

<<Name1>>

<<Name2>>

<<Name3>>

<<Name4>>

<<Address1>>

<<Address2>>

<<Address3>>

<<City>> <<State>> <<Zip10>>

<<CountryName>>

NYC Bail Settlement

Dear <<Name1>>

Our records show that you may qualify for a payment of \$3,500 or more from a settlement with the City of New York. You are eligible for a payment if you were released from a NYC jail on bail between October 4, 2014 and October 21, 2022, and you reasonably believe your release may have been delayed at least 3 hours after your bail was paid.

If your claim is valid, you will get \$3,500 for each time your release on bail was delayed.

To get a payment, please submit the enclosed Claim Form by mail or online at www.NYCBailSettlement.com by **November 17, 2023** to receive payment promptly and no later than December 12, 2023. Please select the following reason for why your claim is untimely: "Failure to receive a Notice Packet." You did not receive a Notice Packet because we only recently obtained your address.

You can visit www.NYCBailSettlement.com or call 1-833-472-1994 if you have any questions.

Do you receive government benefits? If so, please call 1-800-683-4872; email cag@claimantadvocacy.com; or write to Claimant Advocacy Group, 241 Ridge Street, Suite #300, Reno, NV 89501 to speak to a free government benefits consultant. The benefits consultant can help you figure out a way to receive your payment without affecting your government benefits.

Sincerely,

NYC Bail Settlement Administrator

(Information in English, Spanish, Russian & Chinese available)

For more information / Para más información / Для получения дополнительной информации / 欲了解更多信息

www.NYCBailSettlement.com

1-833-472-1994

Acuerdo de conciliación por fianzas de la ciudad de Nueva York

Estimado, <<Name1>>:

Nuestros registros indican que es posible que usted pueda acceder a un pago de \$3,500 o más de un acuerdo de conciliación con la ciudad de Nueva York. Usted es elegible para recibir un pago si fue liberado bajo fianza de una prisión de la ciudad de Nueva York entre el 4 de octubre de 2014 y el 21 de octubre de 2022, y considera razonablemente que su liberación puede haber sido retrasada al menos 3 horas después de que se pagó su fianza.

Si su reclamación es válida, obtendrá \$3,500 por cada vez que su liberación bajo fianza haya sido retrasada.

Para recibir un pago, por favor envíe el formulario de reclamo adjunto por correo o en línea en www.NYCBailSettlement.com antes del **17 de noviembre de 2023** para recibir el pago con prontitud y a más tardar el 12 de diciembre de 2023. Seleccione el siguiente motivo por el cual su reclamo es tardío: "No recibir un paquete de aviso". Usted no recibió un paquete de aviso porque solo recientemente obtuvimos su dirección.

Puedes visitar www.NYCBailSettlement.com o llamar al 1-833-472-1994 si tiene alguna pregunta.

¿Usted recibe beneficios gubernamentales? Si la respuesta es "sí", llame al 1-800-683-4872; envíe un correo electrónico a cag@claimantadvocacy.com; o escriba a Claimant Advocacy Group, 241 Ridge Street, Suite #300, Reno, NV 89501 para hablar gratuitamente con un asesor de beneficios gubernamentales. El asesor de beneficios puede ayudarle a encontrar una forma de recibir su pago sin afectar sus beneficios gubernamentales.

Atentamente,

Administrador del Acuerdo de conciliación por fianzas de la ciudad de Nueva York
(información disponible en inglés, español, ruso y chino)

For more information / Para más información / Для получения дополнительной информации / 欲了解更多信息

www.NYCBailSettlement.com

1-833-472-1994

NYC BAIL SETTLEMENT-1781
 PO BOX 2654
 FARIBAULT MN 55021-9654

FOR OFFICIAL USE ONLY

02

Page 1 of 1

IMPORTANT LEGAL MATERIALS

* B A R C O D E 3 9 * -<<SequenceNo>>

<<Name1>>
 <<Name2>>
 <<Name3>>
 <<Name4>>
 <<Address1>>
 <<Address2>>
 <<Address3>>
 <<City>> <<State>> <<Zip10>>
 <<CountryName>>

Claimant ID #:

<<barcode39>>

Claim Registration Code:

<<code>>

CLAIM FORM

If you were in the custody of the NYC Department of Corrections and released on bail at least once between October 4, 2014 and October 21, 2022, and your release may have been delayed at least 3 hours after your bail was paid, you may submit a claim to request a payment of \$3,500 per instance. Please submit this Claim Form only if you believe you fit this description. The Claim Form may be completed and submitted online at the Settlement Website: www.NYCBailSettlement.com, or you may fill out, sign, and submit this Claim Form by mail to the address at the top of the page.

Claims postmarked after June 6, 2023, will be accepted if there is good cause for submitting the untimely claim AND it is submitted before the Late Claims Deadline. The Late Claims Deadline will be set by the Court and will be no earlier than November 9, 2023.

If you have questions about this claim form, please call 1-833-472-1994. Questions specific to how these payments may affect your government benefits, please call 1-800-674-9756.

CLAIMANT IDENTIFICATION

Name: _____

Date of Birth: _____ - _____ - _____ Social Security Number or I-TIN: _____ - _____ - _____
 Month Day Year

Street Address (if different from above): _____

City/State/Zip Code: _____

Mobile Phone: (_____) _____ - _____ Email: _____

Please indicate the reason your claim is untimely:

- ☐ Illness or death of the Class Member or a family member
☐ Incarceration or detention
☐ Failure to receive a Notice packet
☐ Mailing or technical issues
☐ Other (please explain): _____

TAX IDENTIFICATION NUMBER

The payment you receive will be reported to the Internal Revenue Service (IRS). You may need to pay income taxes on it. If you do not provide your Social Security Number or I-TIN, your claim will be processed and the administrator is required by law to withhold a percentage of your payment for back-up withholding. To avoid back-up withholding, please provide your Social Security Number or I-TIN in the Claimant Identification Section. The Settlement Administrator cannot provide tax advice.

ACKNOWLEDGEMENT AND SIGNATURE

I declare that I was released on bail from a jail run by the New York City Department of Correction on at least one occasion between October 4, 2014 and October 21, 2022. I reasonably believe that it may have taken at least three (3) hours after my bail was paid before I was released from custody.

Signature of Claimant: _____

Date: _____



* 7 8 1 7 *



* C F 2 *



NYC BAIL SETTLEMENT 17827
PO BOX 2654
FARIBAULT MN 55021-9654

PARA EL USO OFICIAL SÓLO

02

MATERIALES LEGALES IMPORTANTES

* B A R C O D E 3 9 * - <<SequenceNo>>

<<Name1>>
<<Name2>>
<<Name3>>
<<Name4>>
<<Address1>>
<<Address2>>
<<Address3>>
<<City>> <<State>> <<Zip10>>
<<CountryName>>

Página 1 de 1

id del reclamante:

<<barcode39>>

Código de registro de reclamación:

<<code>>

FORMULARIO DE RECLAMACIÓN

Si usted estuvo bajo custodia del Departamento de Corrección de la ciudad de Nueva York, fue liberado bajo fianza al menos una vez entre el 4 de octubre de 2014 y el 21 de octubre de 2022, y su liberación pudo haber sido atrasada al menos 3 horas después de que se pagó su fianza, puede presentar una reclamación para solicitar un pago de \$3,500 por caso. Presente este formulario de reclamación solamente si considera que su caso corresponde a esta descripción. El formulario de reclamación se puede completar y enviar en el siguiente enlace: www.NYCBailSettlement.com, o puede completar, firmar y enviar este formulario de reclamación por correo postal a la dirección que aparece al inicio de la página.

Los reclamos con sello postal anterior al 6 de junio de 2023 se aceptarán si existe una buena razón para presentar el reclamo tardío Y se envía antes de la Fecha límite para reclamos tardíos. La fecha límite para reclamos tardíos será establecida por el tribunal y no será anterior al 9 de noviembre de 2023.

Si tiene alguna pregunta sobre este formulario de reclamación, llame al 1-833-472-1994. Si tiene preguntas específicas sobre cómo estos pagos podrían afectar sus beneficios del gobierno, llame al 1-800-674-9756.

IDENTIFICACIÓN DEL DEMANDANTE

Nombre y Apellido: _____

Fecha de nacimiento: _____ Año _____ Número de Seguro Social o I-TIN: _____
Mes _____ Día _____

Dirección: _____

Ciudad/Estado/Código postal: _____

Teléfono celular: (_____) _____ - _____ Correo electrónico: _____

Por favor indique la razón por la cual su reclamo es tardío:

- ☐ Enfermedad o muerte del Miembro de la Clase o un miembro de la familia
☐ Encarcelamiento o detención
☐ No se recibió un paquete de Aviso
☐ Correo o problemas técnicos
☐ Otro (por favor explique): _____

NÚMERO DE IDENTIFICACIÓN DE CONTRIBUYENTE

El pago que usted reciba será reportado al Servicio de Impuestos Internos (Internal Revenue Service, IRS). Es posible que deba pagar impuestos a la renta sobre este importe. Si no suministra su número de seguro social o I-TIN, su reclamación será procesada y el administrador estará obligado por ley a retener un porcentaje de su pago para retención de respaldo. Para evitar la retención de respaldo, suministre su número de seguro social o I-TIN en la sección de Identificación del reclamante. El Administrador del Acuerdo no puede brindar asesoramiento fiscal.

ACUSE DE RECIBO Y FIRMA

Declaro que fui liberado bajo fianza de una prisión administrada por el Departamento de Corrección de la ciudad de Nueva York en al menos una ocasión entre el 4 de octubre de 2014 y el 21 de octubre de 2022. Considero razonablemente que es posible que haya transcurrido al menos tres (3) horas desde de que se pagó mi fianza hasta que yo fuera liberado de la custodia.

Firma del reclamante: _____

Fecha: _____

